

**DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
WATERFOWL DAMAGE MANAGEMENT IN PENNSYLVANIA**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for waterfowl damage management in Pennsylvania and assessed potential impacts of various alternatives for responding to damage problems. The EA analyzes the potential environmental and social effects for resolving waterfowl damage related to the protection of resources, and health and safety on private and public lands in Pennsylvania. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in Pennsylvania. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing this decision.

WS is the Federal program authorized by law to reduce damage caused by wildlife (Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c), and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an Integrated Wildlife Damage Management (IWDM) approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct waterfowl damage management to protect resources and human health and safety in Pennsylvania. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

**Consistency**

The analyses in the EA demonstrate that Alternative 1: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic

effects to agricultural and natural resources, and property, and 5) allows WS to meet its obligations to government agencies or other entities.

### **Monitoring**

The Pennsylvania WS program will annually provide to the U.S. Fish and Wildlife Service (FWS) and the Pennsylvania Game Commission the WS lethal take of target and non-target animals to help ensure the total statewide take (WS and other take) does not impact the viability of target and non target wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

### **Public Involvement**

The pre-decisional EA was prepared and released to the public for a 30-day comment period (February 3-March 7, 2003) by a legal notice in the *Pittsburgh Post-Gazette*, *The Scranton Times*, *The Patriot News*, and *The Philadelphia Daily News*. The Legal Notice was placed in each paper for three days (February 3, 4, and 5, 2003). A letter of availability for the pre-decisional EA was also mailed directly to a total of 25 agencies, organizations, and individuals with probable interest in the proposed program. A total of three comment documents were received from the public after review of the pre-decisional EA. All comments were analyzed to identify substantial new issues, alternatives, or to re-direct the program. Several minor editorial changes suggested by these commenters have been incorporated into the EA. These minor changes enhanced the understanding of the proposed program, but did not change the analysis provided in the EA. All letters are maintained in the administrative file located at the Wildlife Services State Office, Summerdale, Pennsylvania.

### **Major Issues**

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on Target Waterfowl Populations
- Effectiveness of Wildlife damage Management
- Effects on Aesthetic Values
- Humaneness and Animal Welfare Concerns of Methods Used by WS
- Effects on Nontarget Wildlife Species Populations, Including T&E Species

### **Affected Environment**

The proposed action will affect private and public lands in Pennsylvania including, but not necessarily limited to property on or adjacent to airports, golf courses, athletic fields, recreational areas, swimming beaches, parks, corporate complexes, subdivisions, businesses, industrial parks, schools, agricultural areas, natural areas, habitat restoration sites, roadways, and cemeteries.

### **Alternatives That Were Fully Evaluated**

The following four alternatives were developed to respond to the issues. One additional alternative was considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

### **Alternative 1: Integrated Wildlife Damage Management (Proposed Action/No Action)**

The proposed action is for the WS program to continue the current IWDM program that responds to requests for waterfowl damage management to protect property, agricultural crops, natural resources, quality of life, human health, and human safety in Pennsylvania. Requests for assistance may occur anywhere and anytime in Pennsylvania. An IWDM approach would be implemented which would allow the use of legal techniques and methods, used singly or in combination, to meet requestor needs for reducing conflicts with waterfowl. Cooperators requesting assistance would be provided with information regarding the use of effective non-lethal and lethal techniques. Non-lethal methods used by WS may include resource management, physical exclusion, and deterrents. Lethal methods used by WS may include nest and egg treatment/destruction, live capture and transportation to a licensed poultry processing facility, live capture and euthanasia, and/or shooting. In many situations, the implementation of non-lethal methods such as habitat alteration, repellents, and exclusion type barriers would be the responsibility of the requestor to implement. Waterfowl damage management by WS would be allowed in Pennsylvania, when requested, on private property or public facilities where a need has been documented and, upon completion of an *Agreement for Control*. All management actions would comply with appropriate federal, state, and local laws.

### **Alternative 2: Technical Assistance Only by WS**

This alternative would not allow for WS operational waterfowl damage management in Pennsylvania. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct waterfowl damage management using any legal lethal or nonlethal method. Currently, alpha-chloralose is only available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal and unavailable for use. Appendix B of the Environmental Assessment (EA) describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this alternative.

### **Alternative 3: Non-lethal Only by WS**

This alternative would require WS to use or recommend nonlethal methods only to resolve waterfowl damage problems. Persons receiving technical assistance could still employ lethal methods that were available to them. Currently, alpha-chloralose is only available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal. Appendix B of the EA describes a number of nonlethal methods available for use by WS under this alternative.

### **Alternative 4: No Federal WS Waterfowl Damage Management**

This alternative would eliminate Federal involvement in waterfowl damage management in Pennsylvania. WS would not provide direct operational or technical assistance and requesters of WS services would conduct WDM without WS input. Information on waterfowl damage management methods may be available to producers and property owners through other sources such as USDA Agricultural Extension Service offices, universities, or pest control organizations. Alpha-chloralose is only available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal and unavailable for use.

## **Alternative Considered but not Analyzed in Detail:**

### **Non-lethal Methods Implemented Before Lethal Methods**

This alternative is similar to Alternative 1 except that WS personnel would be required to always recommend or use non-lethal methods prior to recommending or using lethal methods to reduce waterfowl damage. Both technical assistance and direct damage management would be provided in the context of a modified IWDM approach. Alternative 1, the Proposed Action, recognizes non-lethal methods as an important dimension of IWDM, gives them first consideration in the formulation of each management strategy, and recommends or uses them when practical before recommending or using lethal methods. However, the important distinction between the Non-lethal Methods First Alternative and the Proposed Alternative is that the former alternative would require that all non-lethal methods be used before any lethal methods are recommended or used.

While the humaneness of the non-lethal management methods under this alternative would be comparable to the Proposed Program Alternative 1, the extra harassment caused by the required use of methods that may be ineffective could be considered less humane. As local waterfowl populations increase, the number of areas negatively affected by waterfowl would increase, and greater numbers of waterfowl would be expected to congregate at sites where non-lethal management efforts were not effective. This may ultimately result in a greater numbers of waterfowl being killed to achieve the local WAC than if lethal management were immediately implemented at problem locations (Manuwal 1989). Once lethal measures were implemented, waterfowl damage would be expected to drop relative to the reduction in localized population of waterfowl causing damage.

Since in many situations this alternative would result in greater numbers of waterfowl being killed to achieve the local WAC, at a greater cost to the requester, and result in a delay in reaching the local WAC in comparison to the Proposed Alternative, the Non-lethal Methods Implemented Before Lethal Methods Alternative is removed from further discussion in this document.

### **Finding of No Significant Impact**

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Waterfowl damage management as conducted by WS in Pennsylvania is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.

4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The number of waterfowl killed by WS, when added to the total known other take of these species, would fall within population management objectives supported by the Pennsylvania Game Commission and the U.S. Fish and Wildlife Service. The EA discussed cumulative effects of WS on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. WS has determined that the proposed project would not adversely affect any Federal or Pennsylvania State listed threatened or endangered species.
10. The proposed action would be in compliance with all federal, state, and local laws.

#### **Decision and Rationale**

I have carefully reviewed the Environmental Assessment (EA) prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 (Integrated Wildlife Damage Management Program (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 1 is selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (2) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and, (3) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. The comments identified from public involvement were minor and did not change the analysis. Therefore, it is my decision to implement the proposed action as described in the EA.

Copies of the EA are available upon request from the Pennsylvania Wildlife Services Office, P.O. Box 459, Summerdale, PA 17093.

Charles S. Brown 3/25/03  
Charles S. Brown, Regional Director Date  
APHIS-WS Eastern Region

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